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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,315	10/27/2000	Yoshinobu Shiraiwa	862.1579 Div.1	7562

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30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/697,315

Applicant(s)

SHIRAWA ET AL.

Examiner

Lin Ye

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-24 is/are pending in the application.
- 4a) Of the above claim(s) 10-16,23 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 08/689,054.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                        |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION*****Response to Arguments of Election/Restrictions***

1. Applicant's election with traverse of the election of invention in Group II (claims 17 to 22) in Paper No. 6 filed on 6/4/04 is acknowledged. The traversal is on the ground(s) that applicants believe separate search and examination by separate Examiners may lead to duplicate work and inconsistent results. This is not found persuasive because the examiner made a *prima facie* showing of examining burden by pointing out the distinct inventions. For examples, Group I (claims 10-16) only teaches to use a plurality of different image reproduction parameters for reproduction which does not include extracting an arbitrary portion of image data as claimed in Group II, and which does not include adjusting the hue with means respect to a specific image region and means for determine the hue of a whole image as claimed in Group III. This same reason could be performed for all of the groups. See MPEP 806.05(d).

The requirement is still deemed proper and is therefore made Final

2. Claims 10-16 and 23-24 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Group I and III, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.

***Claim Rejections - 35 USC § 102***

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 17-20 and 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Ueda et al. U.S. Patent 5, 557,325.

Referring to claim 17, the Ueda reference discloses in Figures 1-3, an image processing apparatus comprising: first input means (image pickup device 1, See Col. 3, lines 5-6) for inputting an image signal; second input means for inputting position information indicating an arbitrary position of an image and image data in the position (e.g., position information indicated from the microcomputer 9, see Col. 3, lines 43-44); extracting means for extracting the image data in the position corresponding to the position information from the image signal input from said first input means (See Col. 4, lines 43-46); setting means for setting an image processing parameter on the basis of the image data extracted by said extracting means and the input image data from said second input means (microcomputer 9 calculates the balance of each color component on the basis of position and range data to set the white balance into a proper state, see Col. 4, lines 37-38); processing means (chrominance signal processing circuit 5, See Col. 4, lines 39-42) for processing the input image signal from said first input means by using the image processing parameter set by said setting means (See Col. 4, lines 35-56).

Referring to claim 18, the Ueda reference discloses wherein said first input means inputs an image signal output from image sensing means (image pickup device 1).

Referring to claim 19, the Ueda reference discloses wherein said setting means sets an image processing parameter (e.g., the data for balance of each color component, see col. 4, lines 39-421) for converting the image data extracted by said extracting means into the image data input from said second input means (e.g., Col. 3, lines 46-47-48 and Col. 4, lines 43-46).

Referring to claim 20, the Ueda reference discloses wherein said processing means (chrominance signal processing circuit 5) performs color balance processing (adjusting and balancing each color component of signals) by using the image processing parameter (the data calculated from microcomputer 9 for balancing each color component, and setting the white balance into a proper state) set by said setting means (See Col. 4, lines 33-56).

Referring to claim 22, the Ueda reference discloses all subject matter as discussed with respect to same comment as with claim 17.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. U.S. Patent 5, 557,325 in view of Aihara et al. U.S Patent 5, 729,363.

Referring to claim 21, the Ueda reference discloses all subject matter as discussed in respected claim 17, except that reference does not explicitly show when setting means sets no image processing parameter, the processing means also performs white balance processing.

The Aihara reference discloses a image processing apparatus comprising: a CCD image sensor (4) and image processing circuit (7) for white balance, flare and shading correction processing (See Col. 8, lines 17-21); and the imaging data may be processed basis of a reference imaging parameters wherein there are no desired imaging parameter or wherein there are imaging parameters close to the desired imaging parameters in the imaging data (See Col. 19, lines 1-6). The Aihara reference is evidence that one of ordinary skill in the art at the time to see more advantages for the imaging processing system has more flexible options to processing the image data such white balance correction either using the image parameter obtain from the image data, or the other reference imaging parameter data when no desired imaging parameter in the image data. For that reason, it would have been obvious to see the image processing apparatus has setting means sets no image processing parameter; the processing means also performs white balance processing disclosed by Ueda.

### ***Conclusion***

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC. 20231

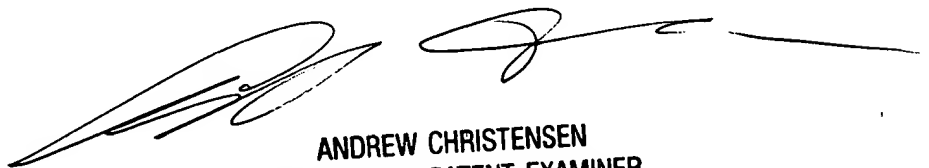
Or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Lin Ye  
July 15, 2004



ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600